

FILED UNDER SEAL

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

HILLARY LAWSON, KRISTINA
HALLMAN, STEPHANIE CALDWELL,
MOIRA HATHAWAY, MACEY SPEIGHT,
ROSEMARIE PETERSON, and LAUREN
FULLER,

Plaintiffs,

-against-

HOWARD RUBIN and JENNIFER POWERS,

Defendants.

Case No.: 1:17-CV-06404 (BMC)

**DECLARATION OF JEFFREY M.
EILENDER IN SUPPORT OF
HOWARD RUBIN AND JENNIFER
POWERS' DAUBERT MOTION TO
EXCLUDE EXPERT TESTIMONY
OF PARK DIETZ**

Pursuant to 28 U.S.C. § 1746, **JEFFREY M. EILENDER** hereby declares the following to be true under the penalty of perjury:

1. I am a member of Schlam Stone & Dolan LLP, counsel for Jennifer Powers. I submit this Declaration in support of the defendants' joint motion to exclude the expert testimony and report of Park Dietz, MD, dated November 5, 2018, because (a) the proffered expert testimony does not satisfy the requirements of FRE Rule 702; and (b) under FRE Rule 403, the prejudice of admitting the proffered testimony greatly outweighs whatever probative value it might have.
2. Unless otherwise specified, the matters set forth herein are based upon my personal knowledge.
3. I submit this Declaration under seal in compliance with this Court's previous orders.
4. Attached hereto as Exhibit 1 is a true and complete copy of the Expert Report of Park Dietz, MD, dated November 5, 2018.

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5. Attached hereto as Exhibit 2 is a true and complete copy of the relevant excerpts of the Deposition Transcript of Park Dietz, MD, dated January 17, 2019.

6. Attached hereto as Exhibit 3 is a true and complete copy of the relevant excerpts of the Deposition Transcript of [REDACTED], proceeding pseudonymously in this action as Lauren Fuller, dated October 18, 2018.

7. Attached hereto as Exhibit 4 is a true and complete copy of the relevant excerpts of the Deposition Transcript of Howard Rubin dated October 25, 2018.

Dated: New York, New York
February 13, 2019



JEFFREY M. EILENDER